

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59814 of 2022**

Arising Out of PS. Case No.-231 Year-2022 Thana- RAJAON District- Banka

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Rajesh Kumar S/o- Manikant Tatma Resident at and P.S.- Rangra, Dist-  
Naugachiya (Bhagalpur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      23-11-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Rajoun  
(Nabada Bazar) P.S. Case No. 231 of 2022 registered for the  
offence under Section 30(a)/32(2) of the Bihar Prohibition and  
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.06.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there  
was recovery of 101 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the *dickey* of the car, where petitioner was the driver. It is further submitted that nothing incriminating surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have consignment of illicit liquor and as such it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, Rajendra Singh Shastri, vehemently opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajoun (Nabada Bazar) P.S. Case No. 231 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional District and Sessions Judge IInd, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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